

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION,**

Plaintiff,

vs.

BNSF RAILWAY COMPANY,

Defendant.

Case No. 8:21-CV-369

**DEFENDANT’S MOTION TO
DISMISS IN PART
PLAINTIFF’S SECOND
AMENDED COMPLAINT**

Defendant BNSF Railway Company (“BNSF”) moves the Court to dismiss in part the claims asserted in Plaintiff’s Second Amended Complaint. Fed. R. Civ. P. 12(b)(6). In particular, BNSF seeks dismissal of all claims asserted by Plaintiff Equal Employment Opportunity Commission (“EEOC”) on behalf of any individual other than Rena Merker. In support of this motion, and pursuant to NECivR 7.1(a)(1)(A), BNSF has filed a supporting brief contemporaneously with this motion.

BNSF respectfully requests that the Court grant this motion and dismiss all claims asserted by EEOC on behalf of any individual other than Rena Merker.

DATED this 13th day of May, 2022.

BNSF Railway Company,
Defendant

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ATTORNEYS FOR BNSF RAILWAY
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CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of May, 2022, I electronically filed the foregoing ***Defendant's Motion to Dismiss in Part Plaintiff's Second Amended Complaint*** with the Clerk of the Court using CM/ECF system which sent notification of such filing to the below registered participants:

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